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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2390 Session of  
2020

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INTRODUCED BY WARREN, RABB, SCHLOSSBERG, DELLOSO, KINSEY,  
SANCHEZ, HOWARD, BOYLE, SCHWEYER AND DeLUCA, APRIL 7, 2020

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
APRIL 7, 2020

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AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated  
2 Statutes, in retail food facility safety, prohibiting return  
3 of groceries and other foodstuffs during COVID-19 disaster  
4 emergency.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 3 of the Pennsylvania Consolidated Statutes  
8 is amended by adding a section to read:

9 § 5711.1. Prohibiting return of groceries and other foodstuffs  
10 during COVID-19 disaster emergency.

11 (a) General rule.--Except as otherwise provided in  
12 subsection (b), no proprietor of a retail food establishment may  
13 accept the return of any groceries and other foodstuffs  
14 purchased by a consumer during, and for 30 days following  
15 termination of, the proclamation of disaster emergency issued by  
16 the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March  
17 21, 2020), and any renewal of the state of disaster emergency.

18 (b) Exception.--Subsection (a) shall not apply if:

1           (1) the proprietor determines, in the proprietor's sole  
2           discretion, that the groceries and other foodstuffs are  
3           unsafe for use or otherwise adulterated as a result of any  
4           manufacturing error or defect; and

5           (2) the groceries and other foodstuffs are not offered  
6           for resale.

7           (c) Definition.--As used in this section, "groceries and  
8           other foodstuffs" shall mean dairy products, meat and  
9           delicatessen products, produce products, seafood products,  
10           carbonated beverages, coffee and other beverages, snack foods,  
11           candy products, baked products, paper products, household  
12           cleaning items, health and beauty products, frozen foods, pet  
13           foods and supplies and any other edible product.

14           Section 2. This act shall take effect immediately.